

DEC 02 2004

PTO/SB/21 (08-03)

**TRANSMITTAL
FORM**

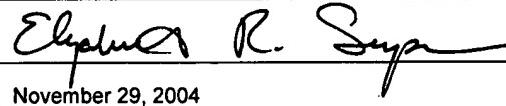
(to be used for all correspondence after initial filing)

		Application Number	10/824,175
		Filing Date	April 13, 2004
		First Named Inventor	Reddington, Mark
		Art Unit	1616
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission		Attorney Docket Number	061873-5011US (019079-002410US)

ENCLOSURES (Check all that apply)

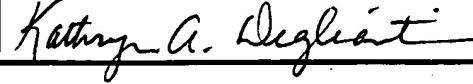
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request (See Remarks)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<ul style="list-style-type: none"> • Return postcard • Response to Notice to File Missing Parts • Statement • Sequence Listing • Amendment • Computer Readable Diskette • Copy of Notice to File Missing Parts
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	The Commissioner is authorized to charge any additional fees to Deposit Account 50-0310.	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Applicants petition to extend the period for filing a response for the above-identified patent application for three months, from August 28, 2004 to November 29, 2004 (11/28/04 falls on a Sunday) minus the fee for a two-month extension of time paid on 10/28/04 (\$490-\$215.00=\$275.00). A Fee Transmittal authorizing the Commissioner to charge the petition fee to our deposit account is attached.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Morgan, Lewis & Bockius LLP Elizabeth R. Sampson	Reg. No. 52,190
Signature		
Date	November 29, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Kathryn A. Deglantoni		
Signature		Date	November 29, 2004

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

CONFIRMATION NO. 6341

TOTAL AMOUNT OF PAYMENT (\$) 275.00

<i>Complete if Known</i>	
Application Number	10/824,175
Filing Date	April 13, 2004
First Named Inventor	Reddington, Mark
Examiner Name	Not Yet Assigned
Art Unit	1616
Attorney Docket No.	061873-5011US (019079-002410US)

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number **50-0310**

Deposit Account Name **Morgan, Lewis & Bockius LLP**

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) **(\\$)**

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	<input type="checkbox"/>	-**	=	Extra Claims <input type="checkbox"/>	Fee from below <input type="checkbox"/>	=	Fee Paid
Independent Claims	<input type="checkbox"/>	-**	=	<input type="checkbox"/>	<input type="checkbox"/>	=	
Multiple Dependent				X		=	

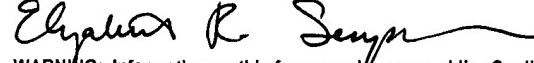
Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) **(\\$)**

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)					
Large	Entity	Small	Entity		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	275
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$275)					

SUBMITTED BY					
Complete if applicable					
Name (Print/Type)	Elizabeth R. Sampson	Registration No. (Attorney/Agent)	52,190	Telephone	(415) 442-1000
Signature				Date	November 29, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT
Attorney Docket No.: 061873-5011US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On November 29, 2004

MORGAN, LEWIS and BOCKIUS LLP

By: Kathy A. Wright



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark Reddington, *et al.*

Application No.: 10/824,175

Filed: April 13, 2004

For: XANTHENE DYES

Customer No.: 43850

Confirmation No.: 6341

Examiner: Not Yet Assigned

Technology Center/Art Unit: 1616

**RESPONSE TO NOTICE TO FILE
MISSING PARTS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached are the following:

- a Statement to Support Filing and Submission in Accordance With 37 CFR §1.821 Through §1.825;
- a Sequence Listing;
- an Amendment; and
- a diskette containing a computer readable copy of a sequence listing.

On October 28, 2004, Applicants paid:

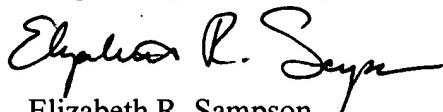
- (\$65.00) for the Surcharge for late filing or oath for a small entity; and
- (\$215.00) a two-month extension fee (small entity).

Appl. No. 10/824,175
Amdt. dated November 29, 2004
Reply to Notice to File Missing Parts dated
8/28/04

PATENT

A Fee Transmittal is enclosed authorizing the payment of the fee for a three month extension of time minus the fee for a two month extension of time paid on 10/28/04 (\$490-\$215=\$275).

Respectfully submitted,



Elizabeth R. Sampson
Reg. No. 52,190

MORGAN, LEWIS & BÖCKIUS, LLP
One Market, Spear Street Tower
San Francisco, California 94105
Tel: 415-442-1000
Fax: 415-442-1001
Attachments

1-SF/7171429.1

Tfw

Page 1 of 2



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UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/824,175 ✓	04/13/2004 ✓	Mark Reddington ✓	019079-002410US 61873-5011

20350

TOWNSEND AND TOWNSEND AND CREW, LLP
 TWO EMBARCADERO CENTER
 EIGHTH FLOOR
 SAN FRANCISCO, CA 94111-3834

RECEIVED RECORDS

JUL 17 2004

& DOCKETING CA OFFICE

FORMALITIES LETTER



OC000000013095110

CONFIRMATION NO. 6341

Date Mailed: 06/28/2004

OATH/DECL/FEES/SEQ LISTING DUE: 8/28/04 (2) |KA

OATH/DECL/FEES/SEQ LISTING FINAL: 1/28/05

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**FILED UNDER 37 CFR 1.53(b)***Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**

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- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

B-4
A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART I - ATTORNEY/APPLICANT COPY